



U.S. House of Representatives Committee on the Judiciary

F. James Sensenbrenner, Jr., Chairman

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News Advisory

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PATRIOT Act Oversight Hearing Thursday

Focus: Section 218 – Breaking Down “The Wall”

What: Oversight Hearing on The Department of Justice’s Use of Section 218 of the USA PATRIOT Act

Who: Subcommittee on Crime, Terrorism, and Homeland Security – Rep. Howard Coble (R-N.C.), Chairman

When: 2:30 p.m., Thursday, April 28, 2005

Where: 2141 Rayburn Building

Arguably the biggest criticism of the government’s efforts prior to September 11, 2001 stems from the failure to “connect the dots” and share information by the different parts of the U.S. government, particularly the CIA and FBI. Section 218 of the USA PATRIOT Act began to break down “the wall” in order to facilitate information sharing by Federal law enforcement and the Intelligence Community.

BACKGROUND...

- ✓ The origin of this wall dates back to the pre-PATRIOT Act requirement that applications for orders authorizing electronic surveillance or physical searches under the Foreign Intelligence Surveillance Act (FISA) had to include certification that “the purpose” of the surveillance or search was to collect foreign intelligence information. This was interpreted over the years by the Department of Justice and the Courts that the “primary purpose” of the search or surveillance was for intelligence gathering rather than evidence of a crime.
- ✓ Section 218 of the USA PATRIOT Act helped bring down the wall by changing the “primary purpose” requirement to “a significant purpose,” thus allowing for more coordination and information sharing between intelligence and law enforcement personnel.

WITNESSES: **Honorable Patrick Fitzgerald**, U.S. Attorney for the Northern District of Ill.; **Mr. David Kris**, former Associate Deputy Attorney General for the Department of Justice; **Ms. Kate Martin**, Director for National Security Studies; and **Mr. Peter Swire**, Professor of Law, The Ohio State Univ.

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